

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0197

Date registered valid: 3 March 2025

Proposal: Discharge of condition 13 (ground conditions verification) attached to planning permission referenced 134775/FO/2022

Address: Land Off Louisa Street, Manchester

Ward(s): Clayton & Openshaw Ward

Applicant: Ms Kirsty Wright, Westchurch Homes Limited

Agent (if any):

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 2 April 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 12 March 2025 Expired: 2 April 2025

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Environmental Health- 01.04.2025 –

Have considered the additional information provided in the EEG Garden Validation Letter Report, Plots 1 to 19, Ref. A4755/23/VR/Plots 1 to 19/V2, dated 28th February 2025, submitted for the above CDN application, and can confirm that they would have no objection to the discharge of Condition 13 for the plots addressed by the report (Plots 1 to 19).

Environment Agency- refer to their planning response to previous discharge of conditions application CDN/24/1021 (EA letter ref: SO/2024/124552/01) whereby they confirmed that they have no objection to the discharge of condition 13 attached to 134775/FO/2022.

Issues

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Condition no. 13 (Ground conditions verification)

13) The content of the Louisa Street Plots 1 to 19 Garden Validation Letter Report, Ref. A4755/23/VR/Plots 1 to 19/V2, dated 28th February 2025 has been reviewed, and is considered to be acceptable. On the basis of the Louisa Street Plots 1 to 19 Garden Validation Letter Report, Ref. A4755/23/VR/Plots 1 to 19/V2, I can confirm you have complied with the requirements of condition no.13 in respect of plot nos. 1-19.

However, condition no.13 is not drafted to enable the formal discharge of condition no.13 on a phased basis, and as to date verification reporting has not been received in respect of plots nos. 2- 29 and the apartments comprising plots nos.29-71, condition no.13 cannot be discharged at this time.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environment Agency

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA